

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DOUGLAS MASTRIANO,

Plaintiff,

v.

JAMES GREGORY III, *et al.*,

Defendant.

Case No. CIV-24-567-F

NOTICE OF INTENT TO RESPOND TO COMPLAINT

The National Research Council Canada (NRC) respectfully submits this Notice to inform the Court that it intends to respond to Plaintiff's Complaint (ECF No. 1) on or before November 4, 2024.

1. NRC is the primary national agency of the Government of Canada dedicated to technology research and development.

2. The Foreign Sovereign Immunities Act (FSIA) sets out the requirements for service of process upon an agency or instrumentality of a foreign state, like NRC. *See* 28 U.S.C. § 1608(b). It further provides: "In any action brought in a court of the United States[,] ... an agency or instrumentality of a foreign state shall serve an answer or other responsive pleading to the complaint within sixty days after service has been made under this section." *Id.* § 1608(d).

3. Plaintiff has filed a Proof of Service (ECF No. 74), which purports that NRC was served with a copy of the Complaint and Summons on September 4, 2024.

4. Without waiving its arguments for dismissal on the basis of improper service of process and preserving all defenses, immunities, and objections available under law, NRC respectfully informs the Court that it intends to respond to the Complaint pursuant to 28 U.S.C. § 1608(d) on or before November 4, 2024.

Dated: September 26, 2024

Respectfully submitted,

/s/ Paul E. Swain III

Paul E. Swain III (Bar No. OBA# 8785)

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** Pro hac vice motions forthcoming*

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on the 26 day of September, 2024, I electronically transmitted a true and correct copy of the foregoing document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/ Paul E. Swain
Paul E. Swain